

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:10-cv-00377**

**RICHARD MOORE,**

**Plaintiff,**

**v.**

**ADVANCE STORES COMPANY, INC.  
d/b/a ADVANCE AUTO PARTS,**

**Defendant.**

**ORDER**

This matter is before the court upon Plaintiff's Motion to Compel pursuant to Rule 37 of the Federal Rules of Civil Procedure. Specifically, Plaintiff seeks an Order compelling Defendant to provide full and complete responses to Plaintiff's Interrogatory Number 14 and Request for Production of Documents Number 12 and 46.

Plaintiff, a former store manager for the Defendant, filed this suit alleging claims of race discrimination and retaliation. One of Plaintiff's allegations is that he was treated more harshly than other similarly situated store managers with regard to disciplinary actions. In Interrogatory Number 14 and Request for Production Number 12, Plaintiff seeks disciplinary actions issued by his supervisor, Wes Davis, to other store managers in Davis' district during the period of Plaintiff's employment (June 2006 through June 2009). Despite Defendant's objections, the court finds that Plaintiff's requests are not overly broad, unduly burdensome, or irrelevant. The requests are appropriately limited to similarly situated individuals, that is, other store managers

that worked in Plaintiff's supervisor's district. Moreover, the information sought is directly relevant to Plaintiff's claims of disparate treatment.

Plaintiff's Request for Production Number 46 seeks a copy of store management review forms for store managers supervised by Mr. Davis during the period of Plaintiff's employment. Defendant objected on much the same grounds as cited in its response to Interrogatory Number 14 and Request for Production Number 12. The court likewise finds the information requested to be appropriately limited in scope and relevant in that such documents may provide comparative data relevant to proving that Plaintiff was subjected to disparate treatment.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel is hereby GRANTED, and Defendant is hereby ordered to produce forthwith all performance reviews and disciplinary actions issued to other store managers supervised by Mr. Davis during the period of Plaintiff's employment and any subsequent amended or redacted version. Plaintiff is directed to file an affidavit setting forth the amount of attorney's fees and costs incurred in the filing of this motion.

Signed: November 15, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

